

TRANSPORTATION DEPARTMENT[761]**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on June 10, 2009, adopted amendments to Chapter 601, "Application for License," Chapter 602, "Classes of Driver's Licenses," Chapter 604, "License Examination," Chapter 605, "License Issuance," Chapter 607, "Commercial Driver Licensing," Chapter 610, "Release of Computerized Driver's License and Nonoperator's Identification Card Records," Chapter 611, "Driver's Privacy Protection—Driver's License and Nonoperator's Identification Card," Chapter 615, "Sanctions," and Chapter 640, "Financial Responsibility," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the April 22, 2009, Iowa Administrative Bulletin as **ARC 7721B**.

Item 1 changes one of the acceptable social security number verification documents allowed when a person applies for a new or duplicate driver's license or nonoperator's identification card. This amendment is consistent with the change in paragraph 601.5(2)"b" in Item 2. Item 2 changes the acceptable primary and secondary documents needed to prove age and identity when a person applies for a new or duplicate driver's license or nonoperator's identification card. The changes in Item 2 assist in fraud prevention by eliminating the acceptance of out-of-state driver's licenses and IDs as primary proof of identity, although those may continue to be used as secondary proof. The changes in Item 2 also update terms used by the federal government for immigration status documents. Items 3, 4, 5 and 9 remove references to a marriage license. The Department will accept a marriage certificate as proof that the marriage actually occurred and the name has been legally changed. Items 6 to 8 change the rules concerning driving test requirements. The changes allow a person with an out-of-state driver's license expired less than one year to apply for an Iowa driver's license without taking the driving test. Currently, the rules require a person with an out-of-state driver's license to take a driving test when an out-of-state license has expired within the past six months. Item 10 changes the definition of "air brake system" on a commercial motor vehicle to establish conformity with federal guidelines. Item 11 updates the citation to 49 Code of Federal Regulations (CFR), Part 383. The amendments to 49 CFR, Part 383, Commercial Driver's License Standards; Requirements and Penalties, that have become final and effective since the 2004 edition of the CFR are listed in the information below. The parts affected are followed by Federal Register (FR) citations.

Part 383 (FR Vol. 71, No. 11, Page 2897, 1-18-06)

The Federal Motor Carrier Safety Administration (FMCSA) adopts as final and without change its interim regulations which implement Section 4140 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The regulations specify that a driver who passed FMCSA-approved knowledge and skills tests for a Commercial Driver's License (CDL) school bus endorsement before September 30, 2002, has met the requirements for a school bus endorsement.

Parts 350, 375, 383, 384, 385, 386, 390 and 395 (FR Vol. 72, No. 128, Page 36760, 7-5-07)

The FMCSA adopts as final certain regulations required by SAFETEA-LU. These regulations govern state compliance plans under the Motor Carrier Safety Assistance Program; withholding of federal-aid highway funds based on state noncompliance with the commercial driver's license program; intrastate operations of interstate motor carriers; civil penalties and disqualifications for violations of out-of-service orders; civil penalties for denial of access to records and property and for violations of statutes and regulations governing hazardous materials transportation; exemption from the federal hours-of-service regulations for operators of commercial motor vehicles engaged in certain defined operations; exemption of drivers of propane service or pipeline emergency vehicles during emergency conditions requiring immediate response; and interstate transportation of household goods.

Parts 365, 369, 381-393, 395 and 397 (FR Vol. 72, No. 189, Page 55697, 10-1-07)

The FMCSA adopts a final rule to make technical corrections throughout 49 Code of Federal Regulations Subtitle B, Chapter III. This rule does not make any substantive changes to the FMCSA regulations.

Item 12 adds new definitions to Chapter 610. Item 13 relates to certified driving records. Items 12 and 13 make changes to the terms used in Chapter 610 and require persons requesting a certified abstract of an operating record to complete a form and provide a legible photocopy of the person's driver's license or nonoperator's identification card to the Department. Item 14 amends the definition of "personal information" in Chapter 611. Item 15 corrects a form number. Items 16 to 18 make changes relating to 2008 Iowa Acts, chapter 1172, section 14 [Iowa Code section 272D.8] and require the Department to suspend a person's driver's license when noncompliance notification is received from the Iowa Department of Revenue. Items 19 and 21 allow SR-22 lift notices to indicate that future proof of insurance is on file with the state rather than list specific motor vehicle information. This change eliminates the need for customers to continually update their SR-22 lift documents each time they have a new SR-22 filing in regard to coverage for specific motor vehicles. Item 20 eliminates completion of a driver improvement interview when a driver who is subject to graduated driver licensing is convicted of a moving traffic violation or is involved in a contributive accident. However, a new rule is added to allow the Department to implement any or all of the following actions: suspension, safety advisory letter, additional restrictions, vision screening, knowledge examination or driving examination.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

One substantive change has been made to the amendments published under Notice of Intended Action. The Department received public comments concerning the proposed rescission of rule 761—610.3(321). This rule concerns copying files to computer tape cartridges. The Department has decided not to rescind this rule pending further investigation and study. In addition, a form name has been corrected.

These amendments are intended to implement Iowa Code chapters 272D, 321 and 321A.

These amendments will become effective August 5, 2009.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 601, 602, 604, 605, 607, 610, 611, 615, 640] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 7721B**, IAB 4/22/09.

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[For replacement pages for IAC, see IAC Supplement 7/1/09.]